

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ALLEEM ALBERT WALKER BORDEN,<sup>1</sup></b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>Case No. 2:24-cv-0153-jDW</b>
	:	
<b>WELLPATH CARE, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 3rd day of May, 2024, upon consideration of Plaintiff Alleem Albert Walker Borden's Motion to Proceed *In Forma Pauperis* (ECF No. 1), it is **ORDERED** that the Motion is **GRANTED** for the reasons stated in the accompanying Memorandum.

It is **FURTHER ORDERED** that Alleem Albert Walker Borden, #1055339, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Curran-Fromhold Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Borden's inmate account; or (b) the average monthly balance in Mr. Borden's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official

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<sup>1</sup> Borden does not hyphenate his name in his Complaint. (See ECF No. 2.) The Clerk of Court is **DIRECTED** to remove the hyphen from Borden's name, so the docket reflects the correct spelling.

shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Borden's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Borden's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

It is **FURHTER ORDERED** that the Clerk of Court shall send a copy of this Order to the Warden of the Curran-Fromhold Correctional Facility.

It is **FURTHER ORDERED** that the Complaint is **DEEMED** filed and is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** for the reasons stated in the Court's Memorandum, as follows:

a. Mr. Borden's claims under the Health Insurance Portability and Accountability Act are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

b. Mr. Borden's claims asserted pursuant to 42 U.S.C. § 1983 are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and

c. Mr. Borden's state law negligence claim is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

It is **FURTHER ORDERED** that Mr. Borden may file an amended complaint on or before June 7, 2024. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Borden's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Mr. Borden should be mindful of my reasons for dismissing the claims in his initial Complaint as explained in the accompanying Memorandum. **Borden should NOT include in his amended complaint any claim already dismissed with prejudice.** Upon the filing of an amended complaint, the Clerk shall not make service until I so order.

The Clerk of Court shall send Borden a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Mr. Borden may use this form to file his amended complaint if he chooses to do so. If Mr. Borden does not wish to amend his Complaint and instead intends to stand on his Complaint as originally pled, he may file a notice with the Court on or before June 7, 2024, stating that intent, at which time I will issue a final order dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case.

If Mr. Borden fails to file any response to this Order, I will conclude that Mr. Borden intends to stand on his Complaint and will issue a final order dismissing this case.

**BY THE COURT:**

*/s/ Joshua D. Wolson*

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**JOSHUA D. WOLSON, J.**